

Andrew Malkinson: independent inquiry announced into wrongful conviction

Inquiry to look at state institutions' role in rape conviction for which Malkinson spent 17 years in jail

Emily Dugan

@emilydugan

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Ministers have announced an independent inquiry into the circumstances and handling of the Andrew Malkinson case after he was exonerated last month over a rape for which he wrongly spent 17 years in prison.

The inquiry will investigate the role of Greater Manchester police (GMP), the Crown Prosecution Service (CPS) and the [Criminal Cases Review Commission](#) (CCRC) in his conviction and subsequent attempts to overturn it.

Malkinson and his civil lawyer expressed concern that it will not be statutory, meaning witnesses will not be compelled to give evidence and there will be no legal obligation to disclose documents.

Malkinson, 57, was convicted in 2004 of a rape in Greater Manchester despite there being no DNA evidence. Having spent almost two decades trying to convince the authorities he was innocent, [the court of appeal overturned his conviction](#) last month after fresh DNA testing linked another man to the crime.

The CCRC had previously announced a [review](#) of its handling of his case after it twice declined to order further forensic testing or refer the case for appeal, but Malkinson has been calling for a full independent inquiry. It follows [revelations](#) in the Guardian that another man's DNA was discovered on the victim's clothing in 2007, yet Malkinson remained in prison for another 13 years.

The inquiry will take place alongside a Law Commission review into how the wider appeals process, including the CCRC, operates.

The justice secretary, Alex Chalk, said: "Andrew Malkinson suffered an atrocious miscarriage of justice and he deserves thorough and honest answers as to how and why it took so long to uncover.

"The core function of our justice system is to convict the guilty and ensure the innocent walk free. Yet a man spent 17 years in prison for a crime he did not commit while a rapist remained on the loose. It is essential that lessons are learned in full."

Malkinson said he welcomed the inquiry and that he wanted “full answers and accountability from all those who played a role in the injustice I suffered”.

He added: “I hope the chair of this inquiry will adopt a scientific approach to get to the full truth behind why the justice system was in denial for so long. I spent over 17 years wrongly imprisoned and so I hope that my lawyers and I will be given the opportunity to feed into the inquiry’s terms of reference.”

Malkinson said his experience had made him concerned that witnesses may not cooperate to give the full picture, pointing out that he had to take the police to court twice “to force them to hand over evidence” and that the CCRC “has so far refused to apologise and take accountability”.

He said the inquiry should become statutory “if there is any obstruction by the agencies involved”.

Kate Maynard, a solicitor at Hickman and Rose who is representing him in his claim for compensation, said: “While we welcome the announcement of an independent inquiry into the failings in Andy’s case, we regret that it is not a full public inquiry held under the Inquiries Act 2005. Only an inquiry held under statute can compel witnesses and disclosure.”

The Ministry of Justice said it had carefully considered the issue and decided a non-statutory inquiry was “the most appropriate option, building on the approach taken in other individual cases”.

Since his conviction was overturned, Malkinson has pushed for reform to the justice system that caused his wrongful conviction. He said he wanted “to see serious, profound changes in our justice system” as a result of the review.

“My case shows that the police cannot be trusted to investigate impartially or act as faithful gatekeepers to the evidence,” he said. “It also shows that the CCRC, which could have spared me years of life behind bars, is not fit for purpose.”

The review will be led by a senior legal figure, and the CCRC, CPS and GMP have all pledged their full cooperation.

Emily Bolton, the founder of Appeal and Malkinson’s solicitor, said: “It is absolutely right that there is an independent inquiry into Andy’s avoidable wrongful conviction and how this catastrophic injustice persisted for two decades.

“The police, prosecution, courts and CCRC all failed disastrously in this case. Their actions must be scrutinised in the same way investigators interrogate black-box data after a plane crash.”

GMP’s chief constable, Stephen Watson, said: “I am very sorry that Mr Malkinson has suffered so grievously over these past many years. I acknowledge and regret the very difficult and prolonged journey that Mr Malkinson has had to undertake to prove his innocence. This appalling miscarriage of justice merits the most detailed scrutiny.

“I therefore welcome the opportunity that this independent inquiry represents to examine all of the relevant facts in forensic detail. GMP’s participation in this process will be fulsome and reflective of integrity, candour and humility.”

The CCRC chair, Helen Pitcher, who has refused to apologise or give interviews on the organisation’s handling of Malkinson’s case, said: “To understand what went wrong in this appalling miscarriage of justice, every organisation involved in handling the case has to fully embrace this whole-system review quite rightly commissioned by the Lord Chancellor.

“We must all contribute fully and engage promptly, and with a commitment to implement any recommendations it draws.”

Pitcher said the cross-organisational review would complement the additional review led by Chris Henley KC into the CCRC’s handling of Malkinson’s applications.

The director of public prosecutions, Max Hill KC, said: “We welcome and will cooperate fully with the inquiry into the role of all parties in the Andrew Malkinson miscarriage of justice. As well as supporting the inquiry, the CPS is fully committed to supporting the fresh investigation and bringing the right offender to justice.”